COURT OF SPECIAL SESSIONS.

on of the Recorder in the Case of Coleman & Steison.

THE DEFENDANTS DISCHARGED. &c., &c.,

der Smith yesterday morning, in the Court of Speions, delivered his decision in the case of Coleman n, charged with a violation of the Maine law. rtroom was not more than usually filled with etators, it not being generally known that the decision and be given at this time. The defendants were pre-

with their counsel, as was the prosecutor, ar. c. s.
en, and his counsel.

Recorder read the following decision:—

c complaint in this case is made under the first
an of the act entitled "An act for the suppresof intemperance, pauperism and crame," passed
9, 1855. It is claimed by the prosecutian that the
sions of the section have been violated—first,
the defendants have kept or deposited inating liquor in a place where by law they were
mittled to keep the same. Second, in selling it in a
prohibited by the act. Third, by selling it without
icease prescribed in the second section of the act,
it is also contended by the presecution, upon the ques-

of men independent of any written constitutional restrictions, and certain limits fixed, beyond which that power cannot be called into exercise." But need we invoke this rule in the construction of this act? I think not. By the constitution of the United States, the States are forbid to pass any law "impairing the obligation of contracts." The word contracts is used in its most general and extended sense. There bian implied contract between government and the citizen, that the citizen shall be protected in his constitution of the United States, the States are forbid to pass any law "impairing the obligation of contracts." The word contracts is used in its most general and extended sense. There is san implied contract between government and the citizen, that the citizen shall be protected in his person and property. The clitzen, as a consideration for this contract, submits to taxation to enable government to extend this protection. By the terms of this compact government have no right by legislation to enact any law that impairs the bond of obligation entered into with the citizen. Any law which confiscates property justly acquired, or authorizes its destruction without remedy to the party injured—any law which operates on property in such a manner that without changing its intrinsic value, readers it valueless to its owner, and subjects him to fine and imprisonment for retaining and extent pring to dispose of it—any law which and belief, and deprives the party injured of adequate redress—any law that authorizes the seizure of property upon the application of irresponsible persons, upon more information and belief, and deprives the party injured of adequate redress—any law that authorizes the destruction of private property without redress to the owner, where no necessity exists for the act, is in my opinion a law "impairing the obligation of contracts," and one that deprives the clizen of his just right, "without due process of law." A law, which, if there was no absolute prohibition in the constitution against its enactment, would require the judiciary to interpret as one infringing upon "the principles of natural justice," and therefore within the limit of those restrictions upon regislative power growing out of the nature of the civil compact. The act under consideration appears to me to be obnexious to all these objections. It entire provisions are unparalleled in the oppression they are calculated to produce if carried into effect. It holds out to the party, whose property has been seized, the temptation accoun

connection with a bill transaction, but was at once dis-charged; this was eighteen years ago; he was in-dicted for a libel as one of the proprietors of Paul Pry, convicted, and fined ten pounds; he new mothing of the article in question, and was made liable, as he was the owner of the house wher, the paper was published; was sued by a man named water for paper strings put ap in one of his houses, but did not plead that the fittings were to the plainliff's knowledge for the

witness—I will answer any question which the Court says Jought to answer.

Judge Crampton—You may answer that question if you please.

Witness—I decline to say if any of the money was lent to Mr. Mott in a hell, as it does not concern the issue here.

Re-examined—The transactions as to which he had been cross-examined occurred 15 or 20 years ago; mover knew Mr. Gregory until he suddenly disappeared from the turit; paid the amount of the bills to Mr. O'Flaherty as the agent of the defendant.

A series of private letters were then given in evidence, written by Mr. Gregory to Mr. O'Flaherty, in order, as was stated by the plaintiff's counsel, to show the authority of one to act for the other as his agent, and that Mr. O'Flaherty was intrusted with authority to raise money by bill transactions. The name of Lord Dunkellin was frequently introduced into the correspondence; and in one letter, dated January, 1813, the defendant expressed his gratification that Mr. O'Flaherty had been so successful in inducing Jews and Jewesses to become almost Christians, and mention was made of one of the parties as the "Caucasian Lazarna." In another the defendant expressed this desire in reference to bil transactions to be considered as very regular, although Celts are regarded as the reverse; and a subsequent letter expressed the pleasure of the writer that he was looking up so much with the money lenders, and that it was "reserved for him to restore Irish credit in the financial world." In other letters the defendant expressed himself as sanwering the fine figure of Grattan, of "the man who felt his strength expanding as the feiters were falling from his limbs." and adverted also to the having read a clever novel of Ralaze's, where thirdeen acting in concert were able to effect so much, but in real life he did not expect to find thirteen "whose abuegation or sellabness will be equal to that of Edmond O'Flaherty."

The plaintiff "counsel, affect the reading of these letters, submitted that such proof of agency had been established

RICHMOND, Va., Oct. 31. Institute-The Rough and Raudy Rangers-The Weather

—Politics, dc., dc.

The Fair ground to-day presented a grand spectacle.

The moving mass of human beings, numbering not less than thirty thousand stalwarth men and fair and fascinating women, formed of itself a source of attraction well worth five times the price of admission. Notwithstand-

interposition. If there is any characteristic which preeminently distinguishes the people of the Old Dominion,
it is their strict regard for decorum. And this feature
becomes more marked upon even the distant approach
of a member of the fair ser. For my taste they are fustidious in their attentions to them, so much so, indeed,
as to render the chances of an outsider inexperienced in
the arts of gallantry exceedingly slims.

There was evidently a large accession of articles
since yesterday. The show of horses—sires and
pucing horses in particular—was far better than
had been first anticipated. There were two or three
of this class of animals which attracted a great deal
of attention, and probably the objects of greatest interest
within the fair ground were the pacers, who kept conti-

Seeing by the public prints that there is a question of jurisdiction at issue between General Scott and the Secretary of War, it may not be uninteresting to determine, by reference to law and regulations, the official relation which the parties bear to the military catablishment. There are various acts of Congress enumeraring subjects placed under the control of the Secretary of War. Over matters so enumerated it cannot be doubted that he has been fully invested with authority by Congress, which body, under the constitution of the United States, is alone en.powered to make rules for the government and regulation of the army; to make rules concerning captures by land and water; and to raise and support armies. In relation to all those matters laws have been passed; but newhere has the Secretary of War been clothed with military rank or otherwise given authority to issue military cannot upon the secretary of War by law are all of an administrative character, such as properly belong to the head of an executive department. Beddes those taws, the act creating the Exocutive Department of War, approved Anguet 7, 1789, authorized the President of the United States, from time to time, to enjoin on or entrust to the Secretary of War such duties, "agreeably to the constitution, relative to military commissions or to the land or naval forces, ships or warlike stores of the United States, or such other matters regarding military or naval affairs, as the Precident of the United States, or such other matters regarding military or naval affairs, as the Precident of the United States and a such or such a such cases and a such or such and a such or such a such as a such coher manner invest him of the such as a such coher manner invest him with the powers of war with the power to issue military commands:—

1st. Because the Secretary of War has not been clothed with military rank by Congress, which body is alone authorized to make rules for the government and regulation of the army; and rank is the principal means of military ower

GEN. WRITFIELD'S ELECTION—MISREPRESENTATION OF THE ABOLITIONISTS, ETC.

GEN. WHITFIELD'S ELECTION—MISHEFIRESENTATIONS
OF THE ABOLITIONISTS, ETC.

TO THE EDITOR OF THE NEW YORK HERAID.

LEAVENWORTH CTY, Kansas, Oct. 22, 1856.
Allow me the use of your widely circulated columns to contradict a statement that is going the rounds of the papers relative to the pro-slavery election held at this place on the second day of October last. The libel on the pro-slavery party and the citizena of this place originated, I believe, in the Cleveland (Ohio) Piaindealer, which published a letter purporting to have been written from this city. In that letter it is stated that the Missourians came over and took possession of the polls, and that in the course of the day an altercation took place between a Missourian and a man by the name of James Furnam, which ended in the latter having a ball shot through his hat, which ball entered a house and killed a child. It further stated that a man by the name of Thomas Newman was stabbed, and died from the effect of his wounds, and that the free State men then rallied and drove the Missourians from our border.

Now, Mr. Editor, I was one of the Judges of that election; was at the polls from the time they were opened until they were closed, and can assure you that all these statements are untrue from beginning to end. It is false that the Missourians took possession of the polls. It is false that the Missourians took possession of the polls. It is false that any child was killed. It is plain that the end of these political agitations is to sever our Union. They will never stop until they accomplish the'c dlabolical purpose.

Never was a party so traduced as the pro-slavery party of Kansas. From the time that M. F. C. first published his falsehoods, up to the present, our Territory and the pro-slavery party have been the subject of the blackest slander. The Emigrant Ald men may do their best-they will never make Kannas a free State. It will be alsve in spite of all the assertions to the contrary. The very steps the abolitionists have taken have frustrated the ends they sought. Another item, and I have done: I see it stated in the Tribone, that Judge Lecomst packed the Grand Jury that sat has court, before when the McCrea case was brought. This is also false. Never was a jury more fairly drawn. The fact is, that tw-lwe out of the sixteen wo served were well known free Ptake men. I was foreman of that Jury, and know what I state to be true. I deem it a duty that I owe, not only to my party, but to the citizens of this town, to expose these false statements. The abolitionists will ever find me ready to vindicate my party, and expose their falseboots.

G. B. PANTON

G. B. PANTON.

The Leavenworth Territorial Register chronicles the arrival there of an agent, representing about five thousand Germans and Irish, resident in Kentucky, in Louisville and other towns, who are about to emigrate to Kansas on account of the Know Nothing troubles in Kentucky. They are artisans, and many of them have considerable means. The Squatters' Convention, to form a State constitution, was in session at Topeka at the last accounts.

Our Rebraska Correspondence.
OMASA GRY, N. T., Oct. 18, 1855.
The Census Returns of the Territory—Basis of Representation—North and South of the Platte—Political Move

ments—General News.

The census returns of the Territory of Nebraska, as made by the acting marshal, J. W. Pattison, on the 11th instant, give a total population of 4,565; out of this there are 1,517 voters. When these returns were made to the executive office, Dacotah county—the extreme northern county of the Territory—had not been heard from, and indeed it was doubted whether there was any one there. The returns from thence show some 43 voters.

The basis of representation is 56½. Of the voters, the north of the Platte has—Dacotah left out—618; and the south of the Platte has—Dacotah left out—618; and the south of the Platte has II members to cleet to the House, and the south of the Platte 15. The members of the Council hold their seats over from tast year.

The country is rife with political movements; every county can produce nearly one-third of its voters as aspirants for the pattry honor of sitting in the Nebraska Legislature. For Congress there is a host—four from the north and four from the south of the Platte. Yesterday a clique in and around Omaha City assembled and expressed a preference for Bird B. Chapman. He cannot be elected. He tried it last year and failed. The south of the Platte will probably send a man. The election occurs in two weeks from next Tuesday; the result I will inform you of.

The Capitol building progresses slowly, and will soon stop for the winter. The basement is not yet completed. The volunteer force stationed on the frontier has been withdrawn, there being no more Indian troubles.

The United States courts are now convening in different portions of the Territory.

Col. E. R. Doyle, the U. S. Marshal, returned with his family to the Territory a few days since.

The Litherma of Sucz.—Canalization Advocates.

The Isthmus of Suez—Camalization Advocates.

TO THE EDITOR OF THE HERALD.

In your article with the above heading, in this day's
HERALD, you give the credit of the modern revival whether it is an impression of your own, or whether that gentleman claims the credit, but certainly he is merely an advocate of the measure. Napoleon, when in Egypt, caused a survey, and also discovered the site of the ancient canal, and its reconstruction, or the formation of a new one, was with him a favorite project. Soon after his accession to newer the present Execution. a new one, was with him a favorite project. Som after his accession to power, the present Emperor of France entered into negotiation with the British government, with the desire of carrying out the plan of his uncle; but Russia being opposed, Lord Palmerston, with his usual patriotism, managed its overthrow. The distance pro-posed by the Franch report is somewhat less than ninety miles, from Suer to Tynch, on the Mediterranean; the

miles, from Sues to Tynch, on the Mediterranean; the cost 30 millions of franca—about 7 millions of dollars.

But the most earnest and persevering advocate of the project in modern days is David Urquart, who for many years has pointed out its great advantages, both to London and Constantinople, in his work, the "Progress of Russia in the Fast, &c.," published more than two years ago. He enters vigorously into the argument, and not only gives the comparative distances between London and New York, and Calcutta and Hong Kong, by the way of Cape of Good Hope, Istbmus of Panama, and Isthmus of Suez, but gives also a diagram of the different routes, and skows that whilst the estimate for the proposed latter route is about a fourth of the proposed former, that there would be also a vast awing of distance both to New York and London.

Should the great project of the Canal of Suez, ever bo carried out, it will certainly prove one of the greatest boons of modern times, since it would not only pass through one of the most fertile spots on the globe, but one thickly populated by a demi-civilized people. This canal then would be a great means of civilization, and an increase of civilized wants, which the energetic and industrious people of Europe and America would specifily supply. Under these circumstances it is nothing but just that Mr. Urquart should have his meed of credit in the great undertaking, especially as he, of all living men, does not occupy a position commensurate with his great knowledge and industry in the affairs of Asia and the world. Were the modern axiom, which is rapidly gaining ground in England, of "the right men in the right places" fully realized, David Urquart would be the English Minister for Foreign Affairs.

H. G.

Mayor's Office.

places "fully realized, David Urquart would be the English Misister for Foreign Affairs. H. G.

Brocklyr, Oct. 29, 1855.

Mayor's Office.

THE KINNEY EMPEDITION—SELZURE AND DETENTION OF THE BARK AMELIA, BY THE UNITED STATES COMMERCIAL AGENY AT PORT AU PRINCE.

Mayor Wood received the subjoined letter a short time ago from Joseph N. Lewis, United States Commercial Agent at Pert au Prince, by which it will be seen that a bark, called the Amelia, has been detained at that place, in consequence of a large amount of arms and ammunition having been found on board. The Mayor hasen a copy of the letter to United States District Attorney, Mr. John McKeon, as it does not come under his jurisdiction:—

COMMERCIAL AGENCY OF HIS UNITED STATES OF AMERICA, To Hox. FERNANDO WOOD, Mayor of city of New York:

Sign—I have the honor to inform you that I have, by the authority of the laws of the United States of America, selved and detained the bark Amelia, which came into the outer harbor and anchored on the 15th inst. The said bark has on beard a full cargo of arms and ammunition, and everything requisite for equipping a large force of men; and I have reasons to believe that the Amelia is one of the vessels fitted out for the Kinney expedition. I have sent by the schooner Lucretta, of New York, Capt. Peter Truensend, of the Amelia and as witnesses, three essuess—John Ward, James McCann and J. Wim. Wyman—whom your Honor will have arrested for safe keeping, until you hear from the Department of State, to which has been forwarded the necessary documents. Mr. Stdoey Oaksmith, who came as supercargo of the Amelia, has also taken passage on board the failed, as he refuses to give me any satisfaction relative to this affair. I have the register of the Amelia in my possession, which states that Appleton Oaksmith, of New York, is the only owner of said vessel, and, of course, is party concerned. Enclosed I send your Honor a cepy of depositions, which states that Appleton Oaksmith, of New York, is the only owner of said vessel, and, of cou